

**U.S. Department of Labor**

**Board of Alien Labor Certification Appeals  
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Washington, DC 20001-8002**

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Date: October 9, 1998

**Case No. 97 INA 243**

*In the Matter of:*

**KARTAR PLAZA LIMITED,**  
*Employer,*

*on behalf of*

**DEEPAK SRIVASTAVA,**  
*Alien.*

Appearance: N. A. Weinrib, Esq., of New York, New York, for Employer and Alien.

Before : Huddleston, Lawson, and Neusner  
Administrative Law Judges

FREDERICK D. NEUSNER  
Administrative Law Judge

## **DECISION AND ORDER**

This case arose from a labor certification application that was filed on behalf of DEEPAK SRIVASTAVA ("Alien") by KARTAR PLAZA LIMITED, ("Employer") under § 212(a)(5)(A) of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1182(a)(5)(A) ("the Act"), and the regulations promulgated thereunder, 20 CFR Part 656. After the Certifying Officer ("CO") of the U.S. Department of Labor ("DOL") at Denver, Colorado, denied the application, the Employer appealed pursuant to 20 CFR § 656.26.<sup>1</sup>

Under § 212(a)(5) of the Act, an alien seeking to enter the United States for the purpose of performing skilled or unskilled labor may receive a visa, if the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (1) there are

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<sup>1</sup>The following decision is based on the record upon which the CO denied certification and the Employer's request for review, as contained in an Appeal File (AF), and any written argument of the parties. 20 CFR § 656.27(c). Administrative notice is taken of the Dictionary of Occupational Titles, published by the Employment and Training Administration of the U. S. Department of Labor.

not sufficient workers who are able, willing, qualified, and available at the time of the application and at the place where the alien is to perform such labor; and (2) the employment of the alien will not adversely affect the wages and working conditions of the U.S. workers similarly employed. Employers desiring to employ an alien on a permanent basis must demonstrate that the requirements of 20 CFR, Part 656 have been met. These requirements include the responsibility of the Employer to recruit U.S. workers at the prevailing wage and under prevailing working conditions through the public employment service and by other reasonable means in order to make a good faith test of U. S. worker availability.

## STATEMENT OF THE CASE

On January 13, 1995, the Employer applied for alien labor certification for the permanent full time employment of the Alien as a "Computer Analyst" in its Real Estate Management firm with the following duties:

Analyze, design, develop, implement and install computer system for real estate management company. Set up network. Test and maintain system. Perform trouble-shooting and repairs. Train endusers.

AF 03, box 13. (Copied verbatim without change or correction.) The educational requirement was a baccalaureate degree in the Major Field of Engineering or Computer Science, plus two years of experience in the Job Offered. *Id.*, box 14. The position was classified as "Computer Systems Hardware Analyst" under DOT Occupational Code No. 033.167-010.<sup>2</sup> The Other Special Requirements were the following:

Experience must include Microsoft Word 6.0, Word Perfect 6.1, Lotus 1-2-3, DBase IV, COBOL, CAD, Systems Boards and maintenance of Network components.

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<sup>2</sup> 033.167-010, **COMPUTER SYSTEMS HARDWARE ANALYST** (profess. & kin.) alternate titles: computer systems engineer; information processing engineer; methods analyst, data processing Analyzes data processing requirements to plan data processing system that will provide system capabilities required for projected work loads and plans layout and installation of new system or modification of existing system: Confers with data processing and project managers to obtain information on limitations and capabilities of existing system and capabilities required for data processing projects and projected work load. Evaluates factors such as number of departments serviced by data processing equipment, reporting formats required, volume of transactions, time requirements and cost constraints, and need for security and access restrictions to determine hardware configurations. Analyzes information to determine, recommend, and plan layout for type of computers and peripheral equipment, or modifications to existing equipment and system, that will provide capability for proposed project or work load, efficient operation, and effective use of allotted space. May enter data into computer terminal to store, retrieve, and manipulate data for analysis of system capabilities and requirements. May specify power supply requirements and configuration. May recommend purchase of equipment to control dust, temperature, and humidity in area of system installation. May specialize in one area of system application or in one type or make of equipment. May train users to use new or modified equipment. May monitor functioning of equipment to ensure system operates in conformance with specifications. *GOE: 05.01.03 STRENGTH: S GED: R5 M5 L5 SVP: 7 DLU:88*

*Id.*, Box 15. (Copied verbatim without change or correction.) The position consisted of forty hours per week from 9:00 AM to 5:00 PM, with no overtime. The salary offered was \$32,900, per year. *Id.*, boxes 10-12.<sup>3</sup> After the job was posted and advertised, eight U. S. workers applied for the job, but none of them was hired. AF 64-65.

**Notice of Findings.** On November 22, 1995, the CO's Notice of Findings ("NOF") denied the application, subject to the Employer's rebuttal, citing 20 CFR §§ 656.3, 656.20(c)(8), 656.20(g) and (h), 656.21(b)(2), 656.21(b)(5), 656.21(b)(6), 656.21(g), 656.24(b)(ii).

(1) The CO questioned whether *bona fide* job opening existed, explaining,

Based on the alien's experience and training, it appears that the company expects to rely for its very existence upon the skills and abilities possessed by the alien; hence, the alien is such an integral part of the company that he cannot be practically separated from it. Thus, there is no employer/employee relationship. Additionally, the fact that employer's position description matches verbatim the experience of the alien raises a serious question of whether the job opportunity is a bona fide opening to which a U. S. worker might successfully be referred, interviewed and hired.

AF 67-68. The NOF directions as to rebuttal evidence required that the Employer document that it had not previously hired a worker with less training and experience for this job than it now required. In addition, the NOF said, "Employer should also indicate who is presently performing the job duties." (Emphasis as in the original.) (2) The CO found that the combination of Employer's basic requirements of a baccalaureate degree in Engineering or Computer Science and two years' experience in the Job Offered, plus the Special Requirements of experience in Microsoft Word 6.0, Word Perfect 6.1, Lotus 1-2-3, DBase IV, COBOL, CAD, systems boards and maintenance of network components was unduly restrictive and was not normally required for similar positions in the United States. The NOF noted further that the position description matches verbatim the experience of the Alien. (Emphasis as in the original.) The Employer was directed to rebut by amending its job requirements or proving that the job requirements arose from its business necessity. AF 68. (3) Noting the education, experience, and special requirements stated in the application at AF 03 in boxes 13, 14, and 15, the NOF found that the Alien did not have two years' experience as a Computer Analyst in a real estate company at the time that the Employer filed this application. As the Alien was hired without the qualifications now required, said the CO, it appeared that the present hiring criteria did not represent its actual minimum requirements for the job, and the Employer was again directed to rebut by amending its job requirements or proving that the job requirements arose from its business necessity. AF 69. (4) The NOF observed that the Employer had measured the U. S.

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<sup>3</sup> The Alien was born in 1953 and was a National of the India. He was in the U. S. under a B-2 visa. He completed a baccalaureate degree in Electrical Engineering in 1976, and engaged in diploma studies of "Raders & Control System" and Computer Science in 1982 and 1986. He worked as a computer analyst in the United States from 1991 to the date of application. The work that the Alien performed prior to being hired by the Employer was similar to the job duties described in the Application. AF 05-06.

workers' qualifications by a standard that was different from that used in hiring the Alien. The NOF concluded that the resume of Mr. Fowler, one the U. S. workers seeking the job, possessed a combination of education, experience, and training that was sufficient for the performance of the position described in the Employer's application. In its rebuttal the Employer was directed to contact and reinterview Mr. Fowler, and to submit documentation of the lawful, job-related reasons why each of the applicants could not perform the job duties.<sup>4</sup> (5) and (6) the NOF found that the Employer's advertisement of the job was in the wrong publication and that its advertisement and its posting were defective because both types of notice stated hiring criteria that were unduly restrictive and technically deficient in other respects. By way of rebuttal the Employer was directed to amend and to repost and readvertise the notice of this job opening. AF 70-72.

**Rebuttal.** On February 26, 1996, the Employer filed its rebuttal. AF 75-174. rebuttal addressed the issues noted in the NOF. AF 89-103. The rebuttal consisted of a statement by one of the partners who own the Employer. He first discussed the nature and content of the software listed in the special requirements---Microsoft Word 6.0, Word Perfect 6.1, Lotus 1-2-3, Cobol, dBaseIV, and CAD---whose use he said was not unusual. He then discussed the job duties related to Hardware Components including the work required for both the computers and the local area network. AF 82-84. As a real estate management organization, said the Employer, its great need for the expeditious handling of a great volume of information in the routine operation of its business required a Computer Analyst with the background specified in its application, which it emphasized was common to the industry. It cited **Information Industries, Inc.**, 88 INA 082 (Feb. 9, 1989), and said it had consistently hired computer analysts with similar knowledge and experience, adding that these requirements were not newly created and tailored to the Alien's qualifications and naming one person it employed as its Computer Analyst in the past.<sup>5</sup> Alluding to its April 4, 1995, interview with Mr. Fowler, the Employer said this job applicant indicated that he did not have experience with Word Perfect 6.1, maintenance of network components, and little experience in coding COBOL. Mr. Fowler also was quoted as having said that he had no experience in the development, design, or implementation of software applications for a real estate business or a "client-server environment," which it asserted was a "key duty" that could not be learned expeditiously on the job.<sup>6</sup> Having made all of its arguments, as above, the Employer said that, if so directed, it would undertake further recruitment efforts and revise its application by eliminating the requirement of experience in

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<sup>4</sup> By way of explicit guidance to the Employer in carrying out the NOF rebuttal instructions, the CO discussed the applicable law, including both regulations and precedential holding, that applied to the recruitment process under the Act and regulations.

<sup>5</sup> Referring to Ms. Kaur, its former Computer Analyst, the Employer said at the time she was hired this worker had a baccalaureate degree in Computer Management Systems, and proficiency in its "special requirements." As will appear *infra*, her degree was in Business Administration. AF 86.

<sup>6</sup> The Employer admitted that it had not reinterviewed Mr. Fowler, as instructed in the NOF. It declared itself willing to recontact him, if directed to do so. Employer argued, however, that the interview results it initially reported ought to be accepted as sufficient and definitive in this case.

CAD.<sup>7</sup>

**Final Determination.** On August 1, 1996, CO issued a Final Determination denying certification. AF 175-177. After summarizing the NOF and the Employer's rebuttal, the CO concluded that the Employer failed to sustain its burden of proof as to its minimum job requirements and its rejection of U. S. workers. (1) The CO addressed the qualifications of Ms. Kaur to determine Employer's minimum hiring criteria under 20 CFR § 656.21(b)(5). This worker earned a Bachelor of Arts degree in Business Administration in 1993. She worked for a newspaper from 1989 to 1993 while in college, and after graduation she worked for a bank and for a soda bottling company from 1993 to April 1995, when she was hired by the Employer. Her resume did not indicate whether she had experience in Microsoft Word 6.0, Word Perfect 6.1, Lotus 1-2-3, DBase IV, and COBOL on the date she was hired by the Employer. Her resume simply indicated that she had work experience with CAD, Systems Boards and maintenance of Network components from 1989 to 1993, but did not perform any duties of this type in the jobs she held from July 1993 to April of 1995. This evidence led the CO to conclude that the Employer's statement that it had "previously hired a Computer Analyst who possessed the experience and special requirements is inaccurate." The CO added that the Employer also failed to comply with the NOF directions to identify the worker who currently was performing the Job Duties of this position, as Ms. Kaur appeared to have left the firm. Such evidence as the Employer did file demonstrated that the education, experience and special requirement stated in the Application exceeded the minimum skills to perform this job, added the CO.<sup>8</sup>

(2) In discussing the Employer's rejection of U. S. workers subject to regulations, the CO observed that the Employer did not hire Mr. Fowler because he did not have skills in Word Perfect 6.1 and only introductory knowledge of COBOL, and no experience in the repair, maintenance, and troubleshooting of personal computers or network components. His resume, however, said he was at the expert level in Lotus 1-2-3, COBOL, systems boards, and maintenance of network components. His resume also said that he was currently using Microsoft Word 6.0, Word Perfect 6.1, and DBase IV, and was working in support of a "LAN dedicated to running AutoCAD release 12." Although instructed to recontact this candidate, the Employer did not do so, but relied on its original assertions that a telephone contact with Mr. Fowler indicated that, regardless of the training and background he asserted in AF 46, this candidate had no experience in performing such work for a real estate management organization like the Employer's. The CO concluded that even though Mr. Fowler possessed the special requirements listed in its application, the Employer rejected him for the reason that his experience was not acquired while working for a real estate firm such as it was operating. Reasoning that the Employer had rejected a seemingly qualified U. S. worker for reasons that

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<sup>7</sup> The rebuttal also included statements by individuals in New York City and Sioux Falls, who appeared to be knowledgeable in the needs of real estate management and development firms. They discussed the need for a computer analyst who had experience in the skills described in the Employer's special requirements.

<sup>8</sup> The dates establishing sequence of events in the work history were initially related at AF 49, but were later clarified in AF 238-243.

were neither lawful nor job related, the CO concluded that this position was not clearly open to any qualified U. S. worker within the meaning of 20 CFR §§ 656.20(c)(8), 656.21(b)(6). As the Employer had failed to sustain its burden of proving its compliance with the Act and regulations, the CO denied certification.

**Appeal.** The Employer thereafter appealed and filed a brief, claiming error in the CO's findings and enlarging on the arguments presented in its rebuttal. AF 178-242.

### **Discussion<sup>9</sup>**

**Burden of Proof.** The text of § 291 of the Immigration and Nationality Act, 8 U.S.C. § 1361, has been incorporated into 20 CFR § 656.2(b), which provides that, "Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not subject to exclusion under any provision of this Act."

**Issue.** While an employer may adopt any qualifications it may fancy for the workers it hires in its business, when an employer seeks to apply such hiring criteria to U. S. job seekers in the process of testing the labor market as part of its application for alien labor certification it must comply with the Act and regulations. This is particularly the case where, as in this application, the employer applies hiring criteria that conflict with the explicit prohibitions of 20 CFR §§ 656.21(b)(5) and (6). Employer has appealed the CO's finding that its rejection of a seemingly qualified U. S. worker was based on reasons that were neither lawful nor job-related, from which the CO concluded that the position offered was not clearly open to any qualified U. S. worker within the meaning of 20 CFR § 656.20(c)(8).

**Record.** Notwithstanding the Job Description and the Special Requirements stated in its application, the Employer admitted that in its telephone interview with Mr. Fowler it asked him

whether he has ever designed, developed, implemented and installed computers in a client server environment for a real estate management organization such as ours.

As Employer admitted that this question was asked and claimed that it was answered in the negative in the context of the telephone interview on which Employer relied, the asserted inquiry was relevant in the recruitment process, despite Employer's allegations to the contrary. First,

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<sup>9</sup> The Panel takes note of the policy expressed in § 212(a)(14) of the Immigration and Nationality Act of 1952, which was enacted to exclude aliens competing for jobs U. S. workers would fill and to "protect the American labor market from an influx of both skilled and unskilled foreign labor." **Cheung v. District Director, INS**, 641 F2d 666, 669 (9th Cir., 1981); **Wang v. INS**, 602 F2d 211, 213 (9th Cir., 1979). To achieve this Congressional purpose the Department of Labor ("DOL") adopted regulations setting forth a number of provisions designed to ensure that the statutory preference favoring domestic workers is carried out whenever possible.

Mr. Fowler's response to the State Employment Security Agency questionnaire did not confirm the Employer's representation that this question was asked and answered in the manner it subsequently related. AF 13. Second, the Employer's account of the interview clearly contradicted the written resume of Mr. Fowler, in which he explicitly described his work history, which included substantial experience with both microcomputers and main frame installations.<sup>10</sup> From 1967 to the date the application was filed Mr. Fowler had held such positions as Design Engineer, Thermal Analyst, Systems Engineer, Technical Services Supervisor, Lead Systems Analyst, Senior Engineer, Engineer-Software Development, Director-Information Systems/Personal Computing, and Relay Engineer. In addition to other engineering skills, he was experienced as a software development engineer, and his computer skills encompassed personal computers, workstations, and mainframes. Mr. Fowler's resume clearly indicated sufficient experience and background to analyze, design, develop, implement and install computer system for any other business entity, including setting up the network, testing and maintaining the Employer's system, performing trouble-shooting and repairs, and training the end users.<sup>11</sup> He was conversant with a broad variety of computer languages, and was familiar with several of the popular spreadsheets, databases, and word processors. His background included several types of local area networks and operating systems, which included those listed in the Employer's Application. AF 46. It follows that the Appellate File contained evidence supporting the CO's finding that Mr. Fowler was equipped to perform the job duties of a Computer Systems Hardware Analyst, as described in DOT Occupational Code No. 033.167-010 and to meet the Other Special Requirements stated in the Application.

To determine Employer's minimum hiring criteria under 20 CFR § 656.21(b)(5), Mr. Fowler's resume has been compared with the background of Ms. Kaur, who was formerly the Computer Analyst in Employer's firm. Noting that Ms. Kaur had a Bachelor of Arts degree in Business Administration, we find that she was required to meet materially different educational criteria when she was hired for this position. As Ms. Kaur became a certified public accountant in the year after she graduated college, it is clear that her academic studies in accounting were the focus of her training, which was unrelated to either Engineering or Computer Science. Moreover, before she was hired by the Employer in June of 1995 Ms. Kaur did not meet the experience standard of the Job Offered. From 1989 to April 1995 she worked for a newspaper company, a bank, and a soda bottler, none of which had occasion to design, install, or implement a computer system involving any aspect of the real estate business, which she first encountered when the Employer hired her. At that time she had no work experience in the design, development, implementation, or installation of computers "in a client server environment for a real estate management organization." In examining Ms. Kaur's work history before the Employer hired her it has been noted that the Alien's work experience as a computer analyst was not real estate oriented, either. Ms. Kaur worked for the Employer's real estate management

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<sup>10</sup> See AF 47-48, with which compare AF 85-86.

<sup>11</sup> Mr. Fowler more than met the educational requirement with his Bachelor of Science in Engineering Physics and his Master of Science degree in Physics, which the Employer did not question. His further studies included certification as a NetWare Engineer in 1993.

firm seven months from June 1995 to January 1996. Compare AF 49 and AF 242a. The much longer period when she worked at S & S News, Inc., from January 1989 to July 1993, overlapped the August 1991 to October 1993 period when the Alien also was working for that employer as a Computer Analyst. She described her duties in terms that were different from the Alien's description, which is virtually identical to the Job Duties in the Employer's Application. Compare AF 05 and AF 242a.

**Analysis and Summary.** The Employer's evidence did not include Ms. Kaur's resume at the time it hired her as its Computer Analyst. It was not until after she had been working for the Employer that her resume first indicated experience in Microsoft Word, Word Perfect, Lotus 1-2-3, Windows, DBase, and COBOL. Her resumes indicated that from January 1989 to July 1993, she acquired work experience with CAD, the analysis, installation, testing and maintenance of Systems Boards and maintenance of a network and components while employed by firms that were not engaged in real estate management. AF 49, 242a. From July 1993 to April 1995, she was an "Analyst" and an "Accounts Payable Supervisor/Systems Operator," neither of which positions involved work of a Computer Analyst of the nature described in Employer's Application and in the DOT Occupation Duties, however. As a result, although Ms. Kaur did have relevant experience, the evidence of record supported the CO's finding that the Employer's statement that it had "previously hired a Computer Analyst who possessed the experience and special requirements is inaccurate," since the Employer failed to prove that Ms. Kaur's skill in Microsoft Word, Word Perfect, Lotus 1-2-3, Windows, DBase, and COBOL was acquired before it employed her.<sup>12</sup> For these reasons her education and work experience at the time Ms. Kaur was hired by the Employer support the conclusion that the evidence supported the CO's finding that the education, experience and special requirement stated in the Application materially exceeded the minimum skills to perform this job.

At 20 CFR § 656.21(b)(5), the implementing regulations require that, "The employer shall document that its requirements for the job opportunity, as described, represent the employer's actual minimum requirements for the job opportunity, and the employer has not hired workers with less training or experience for jobs similar to that involved in the job opportunity or that it is not feasible to hire workers with less training or experience than that required by the employer's job offer." Since Mr. Fowler's resume met the hiring standards Employer established in its evidence of the education and work history of Ms. Kaur, we find that the evidence supported the CO's conclusion under 20 CFR § 656.21(b)(2) that qualified U. S. workers were available to perform the job duties stated in the Application. **Central Harlem Group, Inc.**, 89 INA 284 (May 14, 1991); **Apartment Management Co.**, 88 INA 215 (Feb. 2, 1989).

Also, by asking Mr. Fowler whether he ever designed, developed, implemented and

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<sup>12</sup> As the Employer also failed to comply with the NOF directions to identify the worker who currently was performing the Job Duties of this position, the sole evidence of its history of hiring for this position is in the resumes of Ms. Kaur. Also, because the Employer never replaced Ms. Kaur, who apparently was the only Computer Analyst who ever worked in this firm, its representations of business necessity are given less weight in appraising its contentions as to its current needs.



installed computers in a client server environment for a real estate management organization in the course of the telephone interview, the Employer indicated that his answer was a factor in its decision to offer him the job or reject his candidacy. Because the Employer's minimum qualifications were fixed by the criteria it applied when it hired Ms. Kaur without the same qualifications, the nature and content of this question clearly violated 20 CFR § 656.21(b)(5). **International School of Dog Grooming**, 93 INA 300 (Oct. 4, 1995); **ERF, Inc., dba Bayside Motor Inn**, 89 INA 105 (Feb. 14, 1990). Entirely without reference to this interview question, however, the CO's conclusion was supported by a comparison of the resume of Mr. Fowler with the resumes of Ms. Kaur.

20 CFR § 656.24(b)(2)(ii) provides that, "The Certifying Officer shall consider a U. S. worker able and qualified for the job opportunity if the worker, by education, training, experience, or a combination thereof, is able to perform in the normally accepted manner the duties involved in the occupation as customarily performed by other U. S. workers similarly employed ... ." It is clear that the detailed duties described in Ms. Kaur's resume and in the Application were encompassed by Mr. Fowler's education, training and work experience between 1967 and the date his resume was submitted to the Employer. First, the Employer did not question that his education was exactly as specified by its application or that he had worked in the jobs listed in his resume. Because Mr. Fowler's resume did not fit each detail of its job description and special requirements, however, the Employer assumed that he lacked the skills to do the work that it described. His resume indicated that Mr. Fowler was at the expert level with Lotus 1-2-3, COBOL, systems boards, and network component maintenance. In addition, at the time he responded to the job offer he was currently using Microsoft Word 6.0, Word Perfect 6.1, and DBase IV, and he was actively working at duties involved in the support of a local area network (LAN) dedicated to running AutoCAD. AF 46. Because all of these representations were supported by an offer of references that Employer apparently never requested or considered, the inferences it drew from its telephone interview with Mr. Fowler are not persuasive. Employer's version of their conversation did not include the entire interview, but was limited to remarks that appear on their face to be incomplete and to have been taken out of context. It contradicts a resume that the Employer neither challenged nor rejected for any other reason. **California Transport Enterprises, Inc.**, 87 INA 710 (Sep. 20, 1988). It follows that the CO's finding that this candidate was qualified for the position was supported by the evidence of record. **Mindcraft Software, Inc.**, 90 INA 328 (Oct. 2, 1991).<sup>13</sup>

**Conclusion.** It follows that the CO's finding that the Employer rejected a seemingly qualified U. S. worker for reasons that were neither lawful nor job related was based on the evidence of record, and that the Employer's evidence and arguments to the contrary did not sustain its burden of proof. For these reasons the Panel concludes that the evidence in the Appellate File supported the denial of alien labor certification.

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<sup>13</sup> Even if Mr. Fowler's resume did not explicitly encompass the detailed qualifications stated in Employer's application, the Panel observes that his extensive computer background indicated that he would be capable of performing the job duties within a reasonable period of such on-the-job training as the employer had afforded to Ms. Kaur. **Unisys** (formerly **Sperry, Inc.**), 87 INA 555 (Apr. 6, 1988).

Accordingly, the following order will enter.

**ORDER**

We hereby affirm the Certifying Officer's denial of alien labor certification.

For the Panel:

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FREDERICK D. NEUSNER  
Administrative Law Judge

**NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW:** This Decision and Order will become the final decision of the Secretary of Labor unless within 20 days from the date of service, a party petitions for review by the full Board of Alien Labor Certification Appeals. Such review is not favored, and ordinarily will not be granted except (1) when full Board consideration is necessary to secure or maintain uniformity of its decisions, or (2) when the proceeding involves a question of exceptional importance. Petitions must be filed with:

Chief Docket Clerk  
Office of Administrative Law Judges  
Board of Alien Labor Certification Appeals  
800 K Street, N.W., Suite 400  
Washington, D.C. 20001-8002

Copies of the petition must also be served on other parties, and should be accompanied by a written statement setting forth the date and manner of service. The petition shall specify the basis for requesting full Board review with supporting authority, if any, and shall not exceed five, double-spaced, typewritten pages. Responses, if any, shall be filed within 10 days of service of the petition and shall not exceed five, double-spaced, typewritten pages. Upon the granting of the petition the Board may order briefs.